

ORIGINAL

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
DELAWARE

FILE NUMBER: 04-347-JJF

CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
FILED

2005 APR 29 PM 1:25

EASTERN SAVINGS BANK)
Plaintiff-Appellee)
v.) NOTICE OF APPEAL
CAROLINE AYRES-FOUNTAIN)
Defendant-Appellant.)

Notice is hereby given that Caroline Ayres- Fountain, Defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Third Circuit from an Order remanding a case back to the Delaware Superior Court, subsequent to the District Court's dispositive Order in Civil Action Number: 04-349-JJF, dismissing the case in its entirety. Both Orders were entered on March 31, 2005. The Dismissal Order in Civil Action Number 04-349-JJF, is separate from the subsequent Order of Remand in Civil Action Number 04-347-JJF, and meets the finality requirement of 28 U.S.C. Section 1291, which triggered the Remand Order. (See Carr v. American Red Cross, 17 F.3d 671(3rd Cir. 1994).



Caroline P. Ayres-Fountain

1 Gwynedd Lane

Hockessin, Delaware 19707

Dated: April 29, 2005

CERTIFICATE OF SERVICE

I, Caroline P. Ayres-Fountain, Defendant, do hereby certify that I have caused to be mailed copies of the attached Notice of Appeal on April 29, 2005 to the below-mentioned person(s):

John Weaver, Esquire
Farr, Burke, Gambacorta and Wright
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Attorneys for Plaintiff Eastern Savings Bank



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Dated: April 29, 2005